

which real estate is situated on Sherbrooke street, in the city of Montreal, being number twelve hundred and nine on the official plan and book of reference of St. James Ward, in the said city, for the price of nine thousand seven hundred and ten dollars currency ; whereas the contract of the said deed of sale was passed on the tenth of August, 1871, in the said city of Montreal, before Mtre. L. A. Desrosiers, notary public, and the said J. D. Molson is stated in said contract as having purchased the said real estate, as well for himself as in his capacity of tutor to his minor children and of curator to that part of the substitution created by the will of his father which concerns him as well as his children ; that on the 28th October, 1871, the said J. D. Molson obtained permission from the prothonotary of the superior court of the district of Montreal, to sell a number of the said shares of the said Molson's Bank, sufficient to realize the sum of eleven thousand eight hundred and sixty-seven dollars and forty-eight cents currency, part to be applied to the payment of part of the price of sale of the said real estate, and part to make improvements thereon ; that he has sold the said shares and applied the proceeds thereof as indicated by such authority ;

Whereas the said J. D. Molson is now obliged to sell the said real estate, and will suffer great damage if he were obliged to keep it, and that to effect the sale, he has asked and obtained from the superior court of Montreal, where he then resided, the appointment of tutor *ad hoc* to his minor children, and of special curator to the substitution created by the said will of his father ;

Whereas, he has, by petition presented to the superior court of Montreal, on the 17th September, 1874, requested the said permission to sell the said real estate ; that the said petition was regularly notified to all the members of his family and signed by all the interested parties, susceptible of having any interest in the substitution, and that all have appeared before the said court, on the said petition and given, in writing, their consent to the said sale ; that William Hastings Kerr, the tutor *ad hoc* appointed to the minor children of the said J. D. Molson, and special curator appointed to the said substitution, by the prothonotary of the said court, on the advice of the family council, on the 12th November, 1874, conjointly with the said J. D. Molson, has requested authority to sell, by petition presented to the said court on the 17th November, 1874 ;

Whereas the said superior court has not adjudged on the said petitions, seeing the diversity of opinion amongst the judges alternately presiding over the said court, when the said petitions were presented, diversities manifested on the question, as to whether or not the said real estate

was charged with a substitution, in virtue of the titles and circumstances above mentioned ;

Considering the evidence given under oath of John Molson and Alexander Molson, establishing that it was by mistake that the said real estate was purchased for the said substitution, inasmuch as they have only consented to effect an hypothecary loan with the money of the said substitution ;

And whereas it is advisable to rectify such error and to authorize the sale of the said real estate ; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1 Notwithstanding any law in force in this province, the said Joseph Dinham Molson, or his representatives, or any special attorney appointed by him for such purpose, is and are by these presents authorized and have the right and permission to sell the said real estate, conjointly with the said William Hastings Kerr, or any other person who may be appointed tutor *ad hoc* to the minor children of the said Molson, or curator to the substitution created by the will of the late John Molson, his father, which real estate bears the number twelve hundred and nine (1209) in the official plan and book of reference of St. James Ward, in the city of Montreal, and is situate on Sherbrooke street, bounded in front by the said street, in rear by a private passage adjoining to Cherrier street, on the south-west by Joseph Duhamel, esquire, and on the north-east side by lot No. twelve hundred and ten (1210) of the said official plan and books of reference, belonging to the said J. D. Molson ; to transfer to the purchaser the ownership of the said real estate, in as complete a manner as if it had never been charged with any substitution, nor affected by any rights of minors, to give good titles to the purchaser, and to receive payment therefor, the said sale subject nevertheless to the following conditions.

Power to sell a certain property.

2. The sale of the said real estate shall be made *en justice*, sitting the court, in the manner adopted in relation to the sale of the property of minors, and the terms of payment shall be such as the said Molson and Kerr may fix upon as the conditions of sale.

How the sale shall be made.

3. On the price of the sale, there shall be bought for and in the name of the said substitution the same number of shares or actions of the said Molson's Bank, as there were sold under the judicial authority of the 28th October, 1871.

And the price employed.

4. The balance of the price of sale may be paid to the said J. D. Molson, on a simple discharge, given in his own private name.

Balance of the price.

Responsibility
of the pur-
chaser.

5. The purchaser shall in no way be responsible towards the substitution, as respects the investing of the price of the sale of the said real estate, and he shall be completely freed from the said price of sale, and may exact and obtain the cancelling of any hypothec created for the security of the said price of sale, on presentation of the discharge of the said Molson, or his heirs and assigns, and of the said W. H. Kerr, *ès-qualité* for the sum of eleven thousand eight hundred and sixty-seven dollars and forty-eight cents, and of the simple discharge of the said Molson, for the balance.

C A P . X C I V .

An Act to authorize the Executors of the will of Stanley C. Bagg, Esq., late of the City of Montreal, to sell, exchange, alienate and convey certain Real Estate, charged with substitution in said will, and to invest the proceeds thereof.

[Assented to 23rd February, 1875]

Preamble.

WHEREAS Stanley C. Bagg, Esq., late of the city of Montreal, deceased, by his last will and testament, duly executed in notarial form on July 7th, 1866, and the codicil thereto executed and duly registered in the registry office for the said city and district of Montreal, did devise and bequeath *inter alia*, as follows: "I give, devise and bequeath unto my said beloved wife, the usufruct, use and enjoyment, during all her natural lifetime or so long as she shall remain my widow, all and singular the property I may die possessed of, with the exception only of that hereinbefore bequeathed and given, whether the same be movable or immovable, real or personal, ready money, debts or actions, or otherwise, however and wheresoever the same shall or may be situate, and to whatsoever amount the same shall come. To have and to hold the said usufruct, use and enjoyment unto my said beloved wife during all her natural lifetime or so long as she shall remain my widow, to and for her own proper use and benefit, without rendering any account of the same or of any part thereof, to any person or persons whomsoever, &c.; I give, devise and bequeath in full property (subject nevertheless to the said usufruct and enjoyment of all my property by my said wife, Catherine Mitcheson Bagg, during her natural life, as my widow, as hereinbefore mentioned,) unto all my children born or to be born issue of my marriage with my said wife, in equal shares and proportions, the whole of the property, with the exception